THE HONOURABLE SRI JUSTICE K.C.BHANU

WRIT PETITION NO.21392 OF 2005

ORDER:

This writ petition is field seeking a Mandamus declaring the demand notice in Rc.No.A2/1157/2005 as arbitrary and illegal and consequently to set aside the same and direct the respondents not to insist for payment of the license fee towards license granted in R.No.83/1157/2005, dated 29.6.2005.

Heard the counsel for the petitioner and the learned Government Pleader.

Vide impugned demand notice, the respondents are going to invoke the bank guarantee. The law is well settled that when unconditional bank guarantee was given the same cannot be interdicted by the courts unless there is fraud or irretrievable situation. It is not a case of fraud or the irretrievable situation would arise if the respondents invoke the bank guarantee. So in the absence of these elements, the relief sought for in this writ petition cannot be granted.

The writ petition is accordingly dismissed leaving it open to the petitioner to avail the remedies available to him under the law.

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30.9.2005

mdaa.